

R E M A R K S

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-60 are pending but only Claims 33-44 are subject to examination. Claims 1-32 and 45-60 are withdrawn pursuant to a restriction requirement. In the office action mailed September 30, 2005, claims 33-44 stand rejected. Favorable reconsideration is respectfully requested.

Rejections under 35 U.S.C. §101:

Claims 37-44 stand rejected under 35 U.S.C. §101 as being directed toward nonstatutory subject matter. In particular, the Official Action states that the claim can be directed toward “both tangible embodiments (e.g., storage device) and intangible embodiments (e.g., carrier waves).” (Page 3 of Official Action) Without agreeing to that characterization, Claim 37 is amended to recite that the claim is for “a computer-readable medium comprising a storage device.” In view of this amendment, this rejection is now moot. Accordingly, the applicants respectfully request that this rejection be withdrawn.

Rejections under 35 U.S.C. §102(e):

Claims 33-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,771,765 (hereinafter Crowther). The applicants respectfully traverse this rejection. In particular, the Official Action states that the reference teaches “de-escalating the contact to a lower service tier if a change in the routing criteria does not satisfy pre-defined criteria for the initial service tier [ie. De-escalating the email media type because of the priority level, Crowther, col. 8, lines 1-51].” This is contrary to the teachings of Crowther.

The present invention teaches a system for and method of handling multimedia contacts. When a contact is received it is assigned to a service tier as a method of establishing a priority for that contact; each contact is in its own tier. As circumstances change the service tier for that contact can be changed up or down; escalated or de-escalated from one service tier to another. Thus, for a given contact, it will be placed into the queue according to its service tier. As circumstances change, that service tier for that contact can change and its position in the queue will correspondingly change. A first contact can be after a second contact in the queue. Owing to a change in circumstances that first contact be moved before that same second contact in the queue.

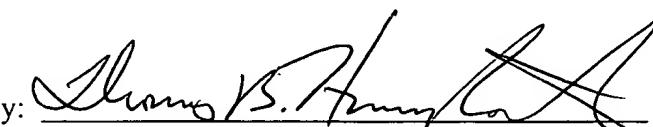
In sharp contrast, what Crowther describes is quite different. A contact is received and assigned a priority. There is no teaching hint or suggestion in Crowther that the priority of a contact can ever be reduced. If a new contact is received which has a higher priority than the existing contact in the queue, it can be placed before that contact in the queue. However, the priority of the first contact is NOT reduced. This is contrary to the teachings and claims of the present invention.

Position in the queue is different than the priority assigned a contact. Both Crowther and the present invention attempt to handle high priority contacts first before lower priority contacts. If Crowther has five high priority contacts and five low priority contacts and receives a sixth high priority contact, it teaches that it will handle all six high priority contacts first. If a system according to the present invention has ten contacts arranged in a tiered relationship, it will handle the ten contacts according to that relationship. However, if circumstances do change, then the order of handling the contacts will change accordingly, up or down for each contact. There is no teaching, hint, or suggestion in Crowther that it can modify the handling of contacts by escalating or de-escalating service tier (or priorities) according to changes in circumstances.

For at least these reasons, Applicant respectfully submits that the Claims 33-44 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 12-30-05

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CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 12/30/05 By: fer